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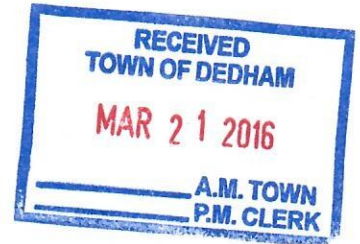
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**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION**



Applicant: Jason Zagami, d/b/a Solid Body Fitness
Property Address: 123 Stergis Way, Dedham, MA
Case #: **VAR-12-15-2051**
Property Owner/Address: SIP Trust, 80 Boxford Road, Rowley, MA 01969
Map/Lot, Zoning District: 150/7A, Highway Business
Date of Application: December 7, 2015
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Jason Zagami
Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for a semi-permanent flag sign to be present during business hours and removed during storms
Section of Sign Code: *Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237, Table 1, Note 4*
Date Filed with Town Clerk: **March 17, 2016**

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, January 20, 2016, at 7:00 p.m. in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Member E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E.

The hearings were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood). Copies of all plans referred to in this decision and a detailed

record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

At 7:21 p.m., the Chairman called for the hearing on the appeal of Jason Zagami, d/b/a Solid Body Fitness, to be allowed a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter Dedham, MA for a semi-permanent flag sign to be present during business hours and removed during storms. The property is located in the Highway Business zoning district. *Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237, Table 1, Note 4*

The Applicant was represented by Jason Zagami. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 123 Stergis Way, Dedham, MA, and is shown on Dedham Assessors' Map 150 Lot 7A. The certified plot plan indicates that the Subject Property contains of 2.6 acres of land and has 200.1 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Highway Business zoning district. Currently, the property is occupied by warehouse/office space. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1971.

Mr. Zagami said the biggest obstacle for his business is awareness. He said there is no marker on the main road. People find his business on line, saying they never knew he was there. There are plans to have a lit monument sign for the park eventually. He would like to install a semi-permanent flag in the granite-curbed island (owned by SIP Trust) separating the entry and exit at the intersection of Stergis Way and Legacy Boulevard in the interim. He has a letter of permission from the owner of the property. The flag will measure 14" x 2.5 feet for a sign area of 34 square feet, and will be set back about 20 feet so it will not interfere with visibility. The flag will be present during business hours, and will be taken down during storms.

Mr. Jacobsen asked if it was actually difficult to find his location, saying he felt it was easy to find the business. Mr. Zagami said it was since it is on a dead end street, and that most of his customers find him on line. Mr. McGrail asked how the sign would help people since there are no directions on it. Mr. Zagami said that no arrow can be put on it because the flag rotates. In the past, he has put a small sign up with an arrow. Mr. Jacobsen said that he honestly did not

think that type of sign belongs in that location, and he cannot support the petition. He said it looks like "you know what," and looks like it belongs on Route One in Revere. He also pointed out that the Design Review Advisory Board recommended against it. Mr. Zagami said he is looking for a low cost temporary item until he can put his name on the monument sign. However, there is no date for that sign. There is a brick area, where a new monument sign will go, but it only faces the street one way, and it is not illuminated so no one sees it. He said that the owners need to make up capital that they have lost due to vacancies over the last year or so, and then they can make improvements in the park. He said there is a double-sided aluminum monument sign present now.

Mr. McGrail said he was sympathetic, but it is not the most effective way to attract people since it still does not tell them where he is. Mr. Zagami said he had it up before, when he had permission from the Building Department, and it attracted a lot of walk-ins. It is to be noted that the Building Department will authorize a temporary sign for 30 days. Mr. McGrail asked why he was before the Board now, and Mr. Zagami said he wanted to put it up again for a longer duration, but Building Commissioner Kenneth Cimeno told him to come to the ZBA.


Mr. Maguire was worried about the precedent that this would set. Mr. Zagami did not have a set number of time for the flag, but said it would be less than 12 months. There is an existing monument sign, and Mr. McGrail did not understand why the landlord could not put up the new monument sign now. He noted that signage may or may not be part of his rent, and he should look into that. Mr. Zagami again said that sign is "going away." Mr. McGrail said that normally when a sign is replaced, the old sign remains in place until the new one is put in. Mr. Zagami then said the issue is the height. Mr. McGrail said they will not take the sign down until they get permission from the ZBA to put a new one up if they do not fall within the guidelines. He said the old sign will remain until the new sign is put in.

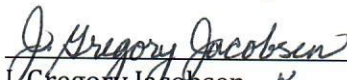
Mr. Zagami said he does not like the old sign, and that it is virtually invisible and hard to read. Mr. McGrail said his issue is not that the old sign will be removed, it is that he does not like the sign. Mr. Zagami said it is both. Mr. McGrail said a flag would set a precedent if it was approved. The Board continued the hearing to February 17, 2016.

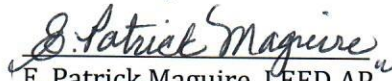
The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, February 27, 2016, at 7:00 p.m. in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Member E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Mr. Zagami was not present for this continuation. Mr. Steeves made a motion to continue the petition to the next ZBA hearing on March 16, 2016.

Mr. Zagami sent an e-mail to Mrs. Webster on March 2, 2016, asking to withdraw his application without prejudice. Upon motion being duly made by J. Gregory Jacobsen and seconded by Jason L. Mammone, P.E., the ZBA voted 4-0 to allow withdrawal of this petition without prejudice.

Dated: March 16, 2016

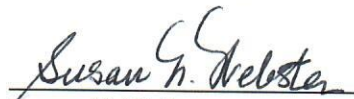

James F. McGrail, Esq.


J. Gregory Jacobsen


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.

Attest by the Administrative Assistant


Susan N. Webster